

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

SHERRY ANN WALKER,  
Administratrix of the estate  
of Arnold Leroy Walker, Jr.,  
and SHERRY ANN WALKER,  
Individually,

Plaintiff,

v.

CIVIL ACTION NO. 2:07-00317

MEDTRONIC, INC., and  
MEDTRONIC USA, INC.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the court is the joint motion of the parties for a stay of the court's scheduling order pending a decision on the defendants' motion for summary judgment. (Doc. No. 47.) The parties represent that, to the extent the court may determine pursuant to Riegel v. Medtronic, Inc., 128 S. Ct. 999 (2008), that plaintiff's state law claims are preempted, "the entire action may be dismissed." (Doc. No. 47 at 1.) As such, a stay of the court's scheduling order pending ruling on the motion for summary judgment "would prevent the parties from engaging in and conducting discovery on issues that may not be a part of this case." (Id.)

In Landis v. North American Co., the United States Supreme Court explained that

the power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants. How this can best be done calls for the exercise of judgment, which must weigh competing interests and maintain an even balance.

Landis, 299 U.S. 248, 254-55 (1936). Accordingly, in the interest of conserving the court's and the parties' time and resources, the joint motion to stay is hereby **GRANTED**. (Doc. No. 47.) The requirements of the scheduling order are **STAYED** pending resolution of the defendants' motion for summary judgment.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to all counsel of record.

It is **SO ORDERED** this 27th day of May, 2008.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
United States District Judge